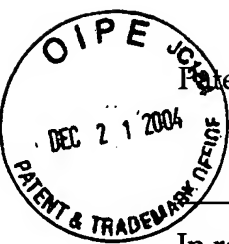


PCT<sub>HA</sub>

DT14 Rec'd PCT/PTO 2.1 DEC 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 6

In re Application of: Hisami Shinohara et al. : Examiner: N/A  
Serial No.: 10/506,878 : Group Art: N/A  
Filed: September 3, 2004 :  
For: Body Temperature Elevating Agents :  
:

INFORMATION DISCLOSURE STATEMENT AND PETITION FOR  
CONSIDERATION UNDER 37 CFR § 1.97

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
16 AUG 2005  
Legal Staff  
International Division

SIR:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO 1449. Copies of the listed documents are enclosed. An English language translation of the Abstract of each non-English language reference is also enclosed to show their relevance.

This information is being submitted subsequent to filing and before the mailing of a first office action. Accordingly, pursuant to 37 CFR § 1.97(d), the undersigned submits that no fee is presently due.

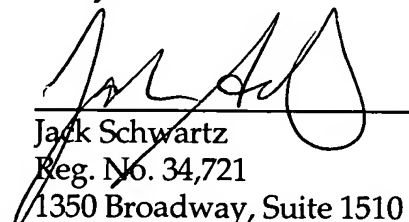
The undersigned hereby petitions that the Examiner consider the information cited in this Statement. As this petition is filed after filing of the application and before mailing of a first office action it is respectfully submitted that no fee is due. However, if a fee is due please charge the fee to Patent and Trademark Office Deposit Account No. 50-2828.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By:

  
\_\_\_\_\_  
Jack Schwartz  
Reg. No. 34,721  
1350 Broadway, Suite 1510  
New York, NY 10018  
(212) 971-0416

Dated: December 15, 2004

Patent Application No. 10/506,878

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioners for Patent, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 15, 2004  
Date

Tanesha Canidate  
Tanesha Canidate  
(212) 971-0416

# LIST OF REFERENCES CITED BY APPLICANT

Atty Docket No.: 1083-4

Filing Date: September 3, 2004

Serial No.: 10/506,878

Group Art: N/A

Applicant: Hisami Shinohara et al.

## U.S. PATENT DOCUMENTS

*Ex. Intls.		Document No.	Date	Name	Class	Subclass	Filing Date
	AA	4,407,821	10/4/83	Francois Mendy	424	312	9/15/81
	AB						
	AC						
	AD						
	AE						

## FOREIGN PATENT DOCUMENTS

*Ex. Intls		Document No.	Date	Country	Name	Class	Sub-class	Translation Yes/No
	AF	JP 2001-120227	5/8/01	Japan	Wakabayashi Kazuyoshi	A23L	1/307	Yes Abstract
	AG	JP 2001-081026	3/27/01	Japan	Kasaoka Nobuyo et al.	A61K	31/201	Yes Abstract
	AH	JP 2001-064171	3/13/01	Japan	Murase Takatoshi et al.	A61K	31/23	Yes Abstract
	AI	JP 10-176181	6/30/98	Japan	Goto Naohiro et al.	C11C	3/06	Yes Abstract
	AJ	JP 08-060180	3/5/96	Japan	Watanabe Hiroyuki et al.	C11C	3/00	Yes Abstract

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AK		Masayuki Saito et al. "Mitochondrial uncoupling protein as a target of pharmacotherapy for obesity." Nippon Yakurigaku Zasshi, Folia Pharmacologica Japonica Society Vol. 118, pages 327-323, November 2001 (English translation of Abstract showing relevance)
	AO		Andre C. Bach et al. "The usefulness of dietary medium- chain triglycerides in body weight control: fact or fancy?" Journal of Lipid Research, Vol. 37 pages 708-726, 1996
	AP		

EXAMINER: \_\_\_\_\_ DATE CONSIDERED: \_\_\_\_\_

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## LIST OF REFERENCES CITED BY APPLICANT

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	AA						
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	AE						

### FOREIGN PATENT DOCUMENTS

*Ex. Intls		Document No.	Date	Country	Name	Class	Sub-class	Translation Yes/No
	AF	JP 04-300826	10/23/92	Japan	Murata Shoichi et al.	A61K 31	31/23	Yes Abstract
	AG	JP 2002-302441	10/18/02	Japan	Seki Shinji et al.	A61K 31	31/23	Yes Abstract
	AH	JP 2002-029967	1/29/02	Japan	Seki Shinji et al.	A61K 31	31/232	Yes Abstract
	AI	JP 2001-139485	5/22/01	Japan	Mori Shinobu et al.	A61K 35	35/78	Yes Abstract
	AJ	WO 99/053941	10/28/99	PCT	Katsuji Sugita et al.	A61K 38	38/05	Yes Abstract

### OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AK		
	AO		
	AP		

EXAMINER: \_\_\_\_\_ DATE CONSIDERED: \_\_\_\_\_

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